

85th Legislative Session – 2010

Committee: Senate Judiciary

Thursday, February 18, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Gillespie
P Heidepriem
P Schmidt
P Turbak Berry
P Vehle
P Tieszen, Vice-Chair
P Abdallah, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Gene G. Abdallah, Chair.

HB 1081: revise certain court automation surcharges and to declare an emergency.

Presented by: David Gilbertson, Chief Justice
Patricia Duggan, Unified Judicial System (Handouts: #1, #2)
Proponents: Tom Barnett, State Bar Association of South Dakota
Drew Duncan, SD Collectors Association

MOTION: DO PASS HB 1081

Moved by: Heidepriem
Second by: Gillespie
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 16, 2010

Moved by: Gillespie

Second by: Vehle
Action: Prevailed by voice vote.

SB 126: permit flexible staffing for local government public safety answering points.

Presented by: Senator Margaret Gillespie
Proponents: Jim Feddersen, self, Beresford
Larry Christensen, self, Beresford
Dan Cotton, self, Beresford
Representative Susan Wismer
Fred Lamphere, self, Belle Fourche
Ron Merwin, self, Sturgis
Les Helm, Spink County Sheriff
Senator Corey Brown
Opponents: Edith Jenniges, Dakota Chapter of National Emergency Number Assn.
Lee Axdahl, self, Pierre
Lou Sebert, self, Mitchell
Yvonne Taylor, SD Municipal League
Dean Krogman, American Heart Association

MOTION: DO PASS SB 126

Moved by: Gillespie
Second by: Heidepriem
Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Abdallah

Voting No: Turbak Berry, Vehle, Tieszen

SB 179: require that certain contested cases be heard by hearing examiners in the Office of Hearing Examiners.

Presented by: Representative Marc Feinstein

MOTION: TO TABLE SB 179

Moved by: Tieszen
Second by: Vehle
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

Excused: Gillespie

SB 84: revise certain provisions relating to comparative negligence.

Presented by: Senator Nancy Turbak Berry (Handouts: #3)

Proponents: Roger Tellinghuisen, SD Trial Lawyers Association (Handouts: #4)

Opponents: Dick Tieszen, State Farm Insurance
Dave Gerdes, SD State Medical Association

SB 148: revise certain provisions pertaining to the withdrawal of blood to determine alcohol content.

Presented by: Senator Craig Tieszen

Proponents: Tiffani Hoeke, self, Parker
Paul Bachand, SD State's Attorneys Association
Brittany Novotny, SD Nurses Association

MOTION: DO PASS SB 148

Moved by: Heidepriem

Second by: Gillespie

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

MOTION: PLACE SB 148 ON CONSENT CALENDAR

Moved by: Heidepriem

Second by: Gillespie

Action: Prevailed by voice vote.

SB 149: revise certain provisions providing for the method of calculating subsequent DUI offenses.

Presented by: Senator Craig Tieszen

Proponents: Tiffani Hoeke, self, Parker
Paul Bachand, SD State's Attorneys Association

MOTION: AMEND SB 149

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On page 1, line 5, of the printed bill, delete "22-18-" and insert "22-18-36".

On page 1, line 6, delete "35".

On page 1, line 13, delete "22-18-35" and insert "22-18-36".

On page 2, line 4, delete "22-18-35" and insert "22-18-36".

Moved by: Gillespie
Second by: Vehle
Action: Prevailed by voice vote.

MOTION: DO PASS SB 149 AS AMENDED

Moved by: Gillespie
Second by: Turbak Berry
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Vehle, Tieszen, Abdallah

MOTION: PLACE SB 149 ON CONSENT CALENDAR

Moved by: Heidepriem
Second by: Gillespie
Action: Prevailed by voice vote.

RECESSED UNTIL 12:15 PM

Committee reconvened at 12:15 pm and testimony continued on Senate Bill 84

SB 84: revise certain provisions relating to comparative negligence.

Opponents: Mike Shaw, Property Casualty Insurance Association of America
Drew Duncan, SD Insurance Alliance
Ronald Olinger, SD Retailers Association
Lindsey Riter-Rapp, National Federation of Independent Business
Margo Northrup, SD Defense Lawyers Assn.

MOTION: DO PASS SB 84

Moved by: Heidepriem
Second by: Turbak Berry
Action: Prevailed by roll call vote. (5-2-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Turbak Berry, Abdallah

Voting No: Vehle, Tieszen

MOTION: ADJOURN

Moved by: Heidepriem
Second by: Tieszen
Action: Prevailed by voice vote.

Rena Ortbahn
Committee Secretary

Gene G. Abdallah, Chair